

FILED 11 JUN '12 13:39 USC ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OREGON AT PORTLAND

UNITED STATES OF AMERICA
PLAINTIFF,

V.

STEVEN AVERY.®

CASE NUMBER 11-CR-274-HA.

MEMORANDUM IN SUPPORT
OF MOTION TO DISMISS INDICTMENT
WITH PREJUDICE
INTENTIONAL FRAUD.

The Charges by and through the Indictment are predicated upon a document wherein Relief cannot be Granted.

Said Indictment is a Punitive Instrument wherein the charges can only be addressed and or settled by Punitive means. Where the U.S. Attorney and the Courts Conspire to prosecute the accused by Punitive Means only; leaving the actual injured Party with no means of settling there lost thru the Granting of Relief Upon the Charging Instrument.

Points Of Facts; The Charging Instrument in this Case revolve around a series of a five count indictment of conspiracy to Bank Robbery case no. 11-Cr.-274-HA. wherein Steven Avery® is alledged to have conspired with others to rob banks. (see Indictment). Steven Avery® is offered a settlement constructed by the U.S. Attorney in the form of restitution and, punitive damages of serving time in prison; however these said banks are suposetly insured deposits.

The Banks have not before the Grand Jury made any Formal Complaint or Stated a claim, there is no Charging, other than the one filed with the Portland Police Dpt. in the State of Oregon; Steven Avery® was not given the opprotunity to settle this Coplaint in the State of Oregon, nor was he appraised of the facts of the fact that he had a right to settle that Complaint in an Arrainment before the Superior Judge in the State of Oregon, and settle the claim then and, there.

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THE BARE BONES INDICTMENT; Is a non-Chargeable-Instrument upon which relief can be granted, in fact it is all but, impossible; so then this Indictment is then served upon the person in question Steven Avery,[®] since Steven Avery[®] can not afford an Attorney then the Court would then and, there appoint one to him at no cost to him; however at this point Steven is not given full Disclosure as to this appointment of counsel. Steven Avery[®] is not told that under 28 USC §§2041 all monys paid into any court of the United States, or received by the office thereof, in any pending or adjudicated in such court, SHALL BE FORHTWITH deposited with the TREASURER OF THE UNITED STATES OR A DESIGNED DEPOSITARY, in the Name and to the credit of such court.

This section SHALL not prevent the delivery of any such money to the rightful owners upon security, according to agreement of Parties, under the direction of the court.

Investment of Registry Funds.

Unless the statute requires the deposit of fund without leave of Court, no money Shall be sent to the Court or its Officers for deposit into the Court's registry without a court order signed by the presiding Judge in the case or proceeding.

2.) unless provided for elsewhere in this Rule, all money ordered to be paid into the Court or recieved by its Officers in any case pending or adjudicated Shall be deposited with the Treasure of United States in the name and, to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositaries designated by the Treasury to accept such deposit on its behalf. (b) Investment of funds-

~~(1.) All funds deposited into the registry of the Court will be placed in some Interest Bearing Account. Unless otherwise ordered, the Court Registry Investment System (C.R.I.S.) administered through the United States District Court for the Southern District of Texas, shall be the investment mechanism authorized.~~

2.) Under CRIS, monies deposited in each case under (a)(1) will be "pooled" together with those on deposit with Treasury to the credit of other courts in the Court Registry Investment System and used to purchase Securities which will be held at the Federal Reserve Bank of the Dallas/Houston Branch, in a safekeeping account in the name and to the credit

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of the Clerk, United States Court for the Southern District of Texas, hereby designated custodian for the Court Registry Investment System.

3.) An account for each case will be establish in the CRIS-titled in the Name of the case giving rise to the Investment in the system.

Income recieved from fund investment will be distributed to each case based on the ratio each account's principle and income has to the aggregate principle and income total in the fund each week. Weekly reports showing the income earned and the principle amounts contributed to each court particpating in CRIS and made availabe to litigants and/or their counsel.

Registry Investment Fee.

1.) The custodain is authorized and directed by this Rule to deduct, for maintaining accounts in the Fund, a fee equal to 10% of the income earned.

2.) No additional fee shall be assessed with respect to investments for which a fee has already been deducted prior to the establishment of CRIS in this district.

FIFTH AMENDMENT PROTECTION

Steven Avery[®] in this case has the protection of the Fifth Amendment wherein no one has the right to use another Person personal Private property for the purpose of profit, Steven Avery[®] has a private interest in his personal private property and the proof thereof such a claim and, Steven Avery[®] was not appraised of the facts stated in these dealing beingcarried out in his name in fact there was no Disclosure whatever.

~~It is the No-Disclosure of this case before the Court that creates the premise for~~
Fraud, wherein the Indictment is the tool that creates upon which these non disclosed Fraudulent Interest Bearing accout Contract are put in place. Intentional is when some act is meant to be done in the Objective in the Act perpetratted.

This would mean that Subjectively the Fraud was therefore Intentional. It is against the Laws of this Land to enter some one into Profit bearing Contract of Interest without their Expressed Consent, and or Permission. In some Penal Code of Law such is also known as Forgery, wherein a person name is used for the purpose of profit without that person's ~~Knowledge or Awareness~~ Knowledge or Awareness.

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NON-DISCLOSURE:

1.) The failure or refusal to reveal something that either might be required to be revealed. Cf. Concealment. [Cases Fraud key-16.] It is clear that this Motion should be Granted, and maybe a Judicial Review is warranted for possible sanctions for those involved herein.

Steven T. Wax was as of September 2011 the Trustee of the Fund. under 28 U.S.C. § 2042 IR 67-3 Withdrawal of Funds (Sample Order to Disburse Monies).

Under the terms of Withdrawal under 2042, the Claimant or rightful Owner of said funds has a period of five years to claim said funds; if however the funds are not Claimed then the Clerk then files a motion for unclaimed funds directly to the sentencing Judge.

Here the ticket; how can a person claim something that has not been disclosed to him or her. If you do not have any knowledge of monies appropriated in your name, how then would you ever know to claim the monies. There is a very reasonable assumption that a crime of unlawful and Intentional Fraud was committed due to the mindfulness of the deception ^{perpetrated} in the circumstances herein.

It is not Jurisprudence for the Court to act beyond its Judicial Power; Those appointed to represent the United States Justice Department do so by appointment of the Executive Chief of the United States to uphold that System and, protect and preserve the rights of the American People. It is not Jurisprudence for Members representing the Justice Department to act or proceed in a personal capacity such as ordering and, making Investment based on Bare Bones Indictment for the purpose of profit.

For the Courts or the United States Justice Department to allow this type of wrong or improper practice is deplorable and, undermines the trust of The People who rely ^{and} believe in the system of Justice and, its integrity, as set forth by our founding Fathers. This Intentional Fraud perpetrated by Courts is a clear case of Non-Disclosure.

THE DISADVANTAGES OF NON-DISCLOSURE:

By example, If the information contained in the language of 28 U.S.C. § 2041, 2042, 2043, 2044, 2045; had been Disclosed to Steven Avery he could have under those precepts of the Law known that he could have settled this case, and that the available means were at his disposeable to do so. For instants, the chaging Instrument the Indictment having attached a remedy upon which relief could be granted; Steven Avery could have paid restitution; and the punitive damages

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of fines, assetments; Steven Avery[Ⓢ] could have used this same language to post bond. He would know that in the end game that the Court Registry had set up a fund in his name that was drawing Interest in a Interest Bearing Account, and being held in Trust for Safekeeping in an account in the name of and to the credit of the Clerk, United States Court for the Southern District of Dallas Texas; which would be and hereby known as the Designated Custodian for the Court Registry Investment

System.

~~No one of~~ the above was disclosed to Steven Avery[Ⓢ] at the time he was appointed an Attorney by the District Court Magistrate, The Magistrate told Steven Avery[Ⓢ] this appointment would be at no cost to him; that was not the whole truth. Anytime you do not tell some one that you are going to open an Interest Bearing Account in his name and, that he has five years to claim those funds that were Invested is differently at a cost to him; anytime the Magistrate does not Disclose that Steven can use the Funds paid into the Court Registry by the Treasurer of the United States Treasury Dept. for Bond, Restitution, Assessment, Fines; then that is at a cost to Steven Avery[Ⓢ].

NON DISCLOSURE OF PRIVATE PROPERTY BEING USED FOR

THE PURPOSE OF PROFIT IS A GROSS VIOLATION OF ONES

FIFTH AMENDMENT RIGHTS UNDER THE CONSTITUTION OF U.S.

One has a Right under Article V of the United States Constitution not to have his or her private property used without consent by any person or any Government for the purpose of profit.

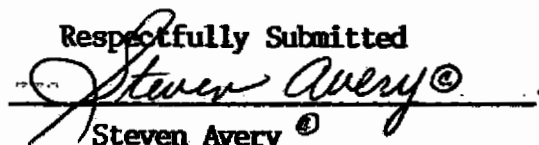
For the reasons set forth herein this Motion and the violation of private rights guaranteed by the Constitution; Steven Avery[Ⓢ] move that the Indictment as an Instrument to Intentional be Dismissed with Prejudice.

PRAYER

It is the prayer of Steven Avery[Ⓢ] that this Honorable Court see the need for Justice in the case before the Bar and, the Courts that Represent the People of the United States^{is} in the name of Justice; Not Profit; in such an Illegal manner.

Thank You

Respectfully Submitted


Steven Avery[Ⓢ]